

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ABINGDON DIVISION**

UNITED STATES OF AMERICA, )  
v. )  
STEVEN BLAKE DAVIS, )  
Defendant. )  
Case No. 1:97CR00040  
OPINION  
By: James P. Jones  
United States District Judge

*Steven Blake Davis, Pro Se Defendant.*

The defendant, Steven Blake Davis, proceeding pro se, filed a Motion to Vacate, Set Aside, or Correct Sentence pursuant to 28 U.S.C. § 2255, alleging that he is entitled to be resentenced in light of *Alleyne v. United States*, 133 S. Ct. 2151 (2013). For the reasons stated, I must summarily deny Davis's § 2255 motion without prejudice as successive.<sup>1</sup>

This court may consider a second or successive § 2255 motion only upon specific certification from the United States Court of Appeals for the Fourth Circuit that the claims in the motion meet certain criteria. See § 2255(h). Court

<sup>1</sup> Under Rule 4 of the Rules Governing § 2255 Proceedings, the court may summarily dismiss a § 2255 motion where “it plainly appears from the face of the motion and any annexed exhibits and the prior proceedings in the case” that the defendant is not entitled to relief.

records indicate that Davis previously filed a § 2255 motion concerning this same conviction and sentence. *See Davis v. United States*, Case No. 7:00CV00560, 2001 WL 34872571 (W.D. Va. 2001) (Turk, J.) (unpublished). Because Davis offers no indication that he has obtained certification from the court of appeals to file a second or successive § 2255 motion, I must dismiss Davis's current action without prejudice.

A separate Final Order will be entered herewith.

DATED: August 5, 2013

/s/ James P. Jones  
United States District Judge